

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Case No. 12-md-02311

ALL PARTS

Judge Marianne O. Battani
Magistrate Mona K. Majzoub

THIS RELATES TO:

Direct Purchaser Actions
Auto Dealership Actions
End-Payor Actions
Truck and Equipment Dealership Actions

**CLASS PLAINTIFFS' JOINT STATEMENT
REGARDING APPOINTMENT OF A SETTLEMENT FACILITATOR**

Direct Purchaser Plaintiffs, End Payor Plaintiffs, Auto Dealer Plaintiffs and Truck and Equipment Dealer Plaintiffs (collectively, "Class Plaintiffs") respectfully submit this joint statement to the Court regarding the appointment of a Settlement Facilitator as instructed by the Court at the January 25, 2017 Status Conference.

Class Plaintiffs propose that the Court appoint one of the following JAMS mediators as the Settlement Facilitator in this MDL:

<u>Settlement Facilitator</u>	<u>Link to biography</u>
Former Chief Judge Gerald E. Rosen	https://www.jamsadr.com/rosen/
Former Judge Dan Weinstein	https://www.jamsadr.com/weinstein/

Class Plaintiffs suggest that the Court-appointed Settlement Facilitator serve as the overall coordinator of the settlement process in this litigation. The Settlement Facilitator would also be available to act as a mediator in the situations described below. Class Plaintiffs propose that all parties to this litigation be required to report to the Settlement Facilitator on the status of their settlement negotiations within twenty days of the Settlement Facilitator's appointment and periodically thereafter on a schedule to be set by the Settlement Facilitator, and that the Settlement Facilitator be empowered to establish appropriate procedures to facilitate the settlement of this litigation.

If the parties to a bilateral settlement negotiation agree that it is progressing in a satisfactory manner without a mediator, or they subsequently agree to utilize the services of a mediator, Class Plaintiffs propose that those parties be permitted to continue to negotiate unless and until one party reports to the Settlement Facilitator that the assistance of the Settlement Facilitator would be helpful. The Settlement Facilitator will then determine whether to appoint a mediator, which may include himself.

If the parties to a particular matter have agreed on a mediator or do so within twenty days of the entry of the Court's order appointing a Settlement Facilitator, Class Plaintiffs propose that those parties be permitted to continue to mediate with their selected mediator. If one party to the mediation reports to the Settlement Facilitator that the mediation has not progressed in a satisfactory manner, the Settlement Facilitator shall determine whether another mediator should be appointed or whether other procedures should be adopted to facilitate settlement.

If the parties in a particular case report to the Settlement Facilitator that they are neither engaged in bilateral negotiations or have failed to select a mediator within twenty days of the

appointment of the Settlement Facilitator, the Settlement Facilitator shall appoint a mediator, which may include himself.

Class Plaintiffs believe it would be helpful to appoint a Settlement Facilitator who can both supervise the settlement process as well as personally participate as a mediator.

Date: February 1, 2017

Respectfully submitted,

/s/ David H. Fink

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2017 I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

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